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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,095	01/14/2004	Olivier Attia	02-003	3509

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EXAMINER

PAIK, STEVE S

ART UNIT PAPER NUMBER

2876

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/757,095

Applicant(s)

ATTIA ET AL.

Examiner

Steven S. Paik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 13 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-14 and 16-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-14 and 16-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Receipt is acknowledged of the Amendment filed July 13, 2003. The applicant cancelled claims 2 and 15.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 4, 7-14, 18-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Ogasawara (US 6,512,919) in view of Lev et al. (US 2002/0102966 A1).

Re claims 1, 3, 4, 11-14 and 22-25, Ogasawara discloses a system for decoding and analyzing a barcode (See Fig. 1) comprising:

at least one machine readable barcode (22 and 31 in Fig. 1);

at least one mobile device (218) equipped with a digital camera (236) for imaging said barcode, wherein said mobile device decodes the barcode information from said barcode image (col. 18, ll. 11-22);

a wireless network (Fig. 1 and col. 4 and 5 discloses a type of acceptable network available for the invention); and

a server for receiving and processing said barcode information via said wireless network (col. 22, ll. 40-68), wherein said server transmits media content to said mobile device after

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processing said barcode information (col. 6, ll. 42-52; col. 18, ll. 22+).

However, Ogasawara does not explicitly disclose barcode image enhancing step as recited in claim 14.

Lev et al. disclose An object identification method for wireless portable devices for a user equipped with a portable wireless imaging device to be able to obtain information and services related to imaged objects, where the object identification is performed at least partially by a remote computational facility, and where the object identification is based on acquired images of the object. The method includes an imaging device, capable of taking one-dimensional or two dimensional images of objects; a device capable of sending the coded image through a wireless channel to remote facilities; algorithms and software for processing and analyzing the images and for extracting from them symbolic information such as digits, letters, text, symbols or icons; algorithms and software facilitating the identification of the imaged objects based on the information gathered from the image and the information available in databases; and algorithms and software for offering various information or services to the user of the imaging device based on the information gathered from the image and the information available in databases. Lev et al. further disclose algorithms for barcode detection and extraction in col. 6 and a wireless and portable phone (cellular) system. The algorithms are for improving and enhancing readability of barcode images taken by the imaging device. The cellular phone system with capabilities of sending and receiving text and video data are well known in the art. The wireless and portable device includes a PDA which uses operating system such as Windows CE or Palm OS

In view of Lev et al.'s teaching, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to further employ algorithms and software for

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enhancing barcode images in addition to the system of Ogasawara due to the fact that more improved barcode images can be achieved for the purposes of enhancing readability of images taken by a wireless and portable device.

Re claims 7 and 18, Ogasawara in view of Lev et al. discloses the method and system as recited in rejected claims 1 and 14 stated above, wherein said mobile device is at least one of the group consisting of a camera phone, mobile phone, smart phone, PDA, pager, pocket PC, desktop, or laptop computer (Fig. 1 and Fig. 10).

Re claims 8 and 19, Ogasawara in view of Lev et al. discloses the method and system as recited in rejected claims 1 and 14 stated above, wherein said barcode is constructed from at least one of standardized barcode symbology libraries consisting of the group of UPC-A, UC-E, ISBN, RSS-14, RSS-I4E, RSS-I4L, Interleaved 2 of 5, EAN/JAN-8, EAN/JAN-I3, Code 3, Code 39 Full ASCII, Code 128, PDF417, QR Code, or Data Matrix ([0009] and [0006] of Lev et al.).

Re claims 9 and 20, Ogasawara in view of Lev et al. discloses the method and system as recited in rejected claims 1 and 14 stated above, wherein said media content is a search result of a database constructed from said barcode information (col. 22, ll. 40-68).

Re claims 10 and 21, Ogasawara in view of Lev et al. discloses the method and system as recited in rejected claims 1 and 14 stated above, wherein said media content transmitted to said mobile device is product information about said manufactured good (col. 22, ll. 45-51).

4. Claims 5 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogasawara (US 6,512,919) as modified by Lev et al. (US 2002/0102966 A1) as applied to claims 1 and 14 above, and further in view of Chiu (US 2002/0084330).

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Re claims 5 and 16, the teachings of Ogasawara in view of Lev et al. have been discussed above.

However, Ogasawara nor Lev et al. explicitly teaches that said decoding of said barcode by said mobile device comprises the steps of recited in claims 16 and 17.

Chiu discloses the decoding steps of a barcode by recording a two-dimensional digital image, obtaining edge points from the image ([0014]), recognizing the symbology of the barcode ([0046]), counting and comparing the edge points to a predefined threshold value ([0038]), and decoding the data characters in the barcode ([0046]).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ the decoding steps of a barcode as taught by Chiu into the teachings of Ogasawara in view of Lev et al. in order to provide a decoding method to barcode reading process by recording the image, obtaining edge points, recognizing symbology, counting and comparing the edge points to a threshold value, and decoding the data characters for detecting and recognizing barcode images.

5. Claims 6 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogasawara (US 6,512,919) in view of Lev et al. (US 2002/0102966 A1) as modified by Chiu (US 2002/0084330) as applied claims 5 and 16 above, and further in view of Brandt et al. (US 6,585,157).

Re claims 6 and 17, the teachings of Ogasawara in view of Lev et al. and Chiu have been discussed above.

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However, none of the above fails to teach that a plurality of other symbology libraries are loaded by said mobile device if said number of edges is less than said predetermined threshold.

Brandt et al. disclose that if the edge strength of the elements in the potential quiet zone were below some threshold, then other factors could be considered to determine if this was a valid quiet zone, which is required for decoding a particular symbology (col. 31, ll. 29-42).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ the method of comparing edge strength of the elements and threshold to determine validation of quiet zone for decoding a particular symbology as taught by Brandt et al. into the teachings of Ogasawara in view of Lev. Et al. and Chiu in order to test whether edge strength of the elements is below some threshold that it would determine valid quiet zone for decoding a symbology.

Double Patenting

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. Claims 1, 2, and 4-24 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4, 7-15, and 17-25 of

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copending Application No. 10/796,153 of Frantz et al. Although the conflicting claims are not identical, they are not patentably distinct from each other because the method and the system of decoding and analyzing a barcode are same in general process of wireless network communication between a server and a portable unit.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Response to Arguments

8. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

As a result of an updated prior art search, the examiner has applied the teachings of Lev et al. (US 2002/0102966A1) to some of the claims. Therefore, this Office Action is a non-final rejection.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven S. Paik whose telephone number is 571-272-2404. The examiner can normally be reached on M, T, R, and Friday 5:30a-4:00p (Maxi-Flex*).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Steven S. Paik
Primary Examiner
Art Unit 2876

ssp